

# EUROPEAN PARLIAMENT

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**A6-0248/2009**

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## **REPORT**

on the proposal for a Council directive on animal health conditions governing the movement and importation from third countries of equidae (codified version)  
(COM(2008)0715 – C6-0479/2008 – 2008/0219(CNS))

Committee on Legal Affairs

Rapporteur: Lidia Joanna Geringer de Oedenberg,

(Codification – Rule 80 of the Rules of Procedure)

***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	3
ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION.....	3
PROCEDURE.....	3



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a Council directive on animal health conditions governing the movement and importation from third countries of equidae (codified version) (COM(2008)0715 – C6-0479/2008 – 2008/0219(CNS))**

**(Consultation procedure – codification)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2008)0715),
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0479/2008),
  - having regard to the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts<sup>1</sup>,
  - having regard to Rules 80 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A6-0248/2009),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
  2. Instructs its President to forward its position to the Council and the Commission.

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<sup>1</sup> OJ C 102, 4.4.1996, p. 2.

**ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**



CONSULTATIVE WORKING PARTY  
OF THE LEGAL SERVICES

Brussels, 23 February 2009

**OPINION**

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

**Proposal for a Council directive on animal health conditions governing the movement and importation from third countries of equidae (codified version)  
COM(2008)715 of 2.11.2008 – 2008/219(CNS)**

Having regard to the Inter-institutional Agreement of 20 December 1994 on an accelerated working method for official codification of legislative texts, and in particular to point 4 thereof, the Consultative Working Party, consisting of the respective legal services of the European Parliament, the Council and the Commission, met on 3 December 2008 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a Council directive codifying Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae resulted in the Consultative Working Party's establishing, by common accord, as follows.

- 1) In Recital 3, the wording "*the movement of equidae between Member States*" should be adapted so as to read "*the movement of equidae within and between Member States*".
- 2) As far as the first paragraph of Article 3 is concerned, and more specifically the wording "*the movement of equidae registered in their territory*", it was acknowledged that a serious discrepancy appears to exist between the English and German language versions of Directive 90/426/EEC. The Consultative Working Party is of the opinion that such a discrepancy would apparently need to be corrected.

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<sup>1</sup> The Consultative Working Party had at its disposal 22 language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

3) The existence of another serious discrepancy between the English language version and other language versions of the act was acknowledged as regards Article 4(5)(a)(iv). Also in that case, the Consultative Working Party expressed its view that the discrepancy would apparently need to be corrected.

4) In Article 4(6), the introductory wording should be replaced by the following text: "*Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which equidae are susceptible, it may present the programme to the Commission, within six months from 4 July 1990 for Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, from 1 January 1995 for Austria, Finland and Sweden, from 1 May 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and from 1 January 2007 for Bulgaria and Romania, outlining in particular:*".

5) In Article 13(2)(a), the reference made to "*Article 5(2) and (3)*" should be adapted so as to read as a reference made to "*Article 5(2) and (5)*".

6) In Article 15(a), the words "*and the type of importation*" should be removed.

7) In Article 16(1)(f), the wording "*Member States shall inform the Commission if they make use of this option*", which appears in the currently applicable text of the corresponding point in Directive 90/426/EEC, should be re-introduced.

8) In Article 19(a), the words "*or types of importation*" should be removed.

9) In Annex V, Part B, in correspondence with the indication "*2006/104/EC*" the time-limit for transposition of that directive into national law should be mentioned. According to Article 2(1), first subparagraph, of Directive 2006/104/EC, "*Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by the date of accession of Bulgaria and Romania to the European Union at the latest*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal is a straightforward codification of existing texts, without any change in their substance.

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Director General

## PROCEDURE

<b>Title</b>	Animal health conditions governing the movement and importation from third countries of equidae (codified version)
<b>References</b>	COM(2008)0715 – C6-0479/2008 – 2008/0219(CNS)
<b>Date of consulting Parliament</b>	8.12.2008
<b>Committee responsible</b> Date announced in plenary	JURI 15.12.2008
<b>Rapporteur(s)</b> Date appointed	Lidia Joanna Geringer de Oedenberg 3.11.2008
<b>Date adopted</b>	31.3.2009